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EXAMINER	
CHAI, LONGBIT	

ART UNIT	PAPER NUMBER
2431	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,685	GILEK ET AL.	
	Examiner	Art Unit	
	LONGBIT CHAI	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Currently pending claims are 1 – 17.

Response to Arguments

2. Applicant's arguments with respect to instant claims have been fully considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

3. Besides, Applicant asserts “Claim 10 recites that the data processing system processes data that can be accessed by individuals with a simple authorization according to the two man principle when the particular authorization is not present. The cited references fail to disclose the two man principle” (Remark: Page 9 / 3rd Para). Examiner respectfully disagrees because the specific claim language of Claim 10 is indeed recited as “the data processing system processes data that can be accessed by an individual with authorization, **or** by individuals with a simple authorization according to the two man principle when the particular authorization is not present”, where the 2nd-part associated with the condition word “OR” constitutes the non-essential element.

4. Furthermore, Applicant asserts “As per claims 6, 7, and 8, the prior-art does not teach that the authentication code is stored in a mobile memory unit that can be connected to the data processing system to transmit data” (Remark: Page 8 / 3rd Para). Examiner respectfully disagrees because Thompson teaches an authentication device obtaining authentication information from an authentication medium (i.e. authentication card that stores authentication code), an access administration system operatively connected to the authentication device for verifying the authentication information and an access control system operatively connected to

the access administration system granting access resources when the authentication information is verified (Thompson: Para [0004] and [0021] Line 8 – 11).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 9 is indefinite because the claim language "authenticated at the same time" is not clear regarding what exactly constitutes the timing limitation / threshold in terms of interval that is qualified as "at the same time" security status in order to particularly distinct the invention subject matter over the prior-arts and thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Any other claims not addressed are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Affleck et al. (U.S. Patent 2004/0260782), in view of Thompson (U.S. Patent 2005/0055709), and in view of Rosner (DE 10121819 A1).

As per claim 1 and 5, Affleck teaches a method for accessing a data processing system that is formed from data processing units networked to one another, the method comprising:

providing a first authentication that authenticates a system administrator (Affleck: Figure 4 / Element 410, Figure 5 / Element 550, Para [0066] Line 1 – 2: the security module within the ADMIN module / program provides authentication that authenticates a system administrator to control the system technicians access right),

authenticating the system administrator on a first data processing unit by transferring the first authentication to an authentication program (Affleck: Figure 4 / Element 410, Figure 5 / Element 550, Para [0066] Line 1 – 2: same as above),

providing a second authentication that authenticates a system technician (Affleck: Para [0066]: a login name and password must be assigned to a technician),

authenticating the system technician on a second data processing unit (Affleck: Figure 11 / Element 140, Para [0143] Line 8 – 10 / Line 34 – 37: (a) a technician PC connected to a remote lab is qualified as a second data processing unit and (b) an authenticated computing device (i.e. the authenticated technician PC) that is connected directly to the remote lab) **by transferring the second authentication to the authentication program** (Affleck: Para [0066] and Para [0143] Line 8 – 10 / Line 34 – 37: an authenticated computing device (i.e. the authenticated technician PC) connected directly to the remote lab enables the technician to be authenticated for access to the resource according to the assigned access right) and **generating an identification information item that identifies the carrier (**see Thompson below**) of the second authentication** (Affleck: Para [0066] and Para [0143] Line 8 – 10 / Line 34 – 37) – However, Affleck does not disclose expressly that identification information can be stored on an authentication medium carrier).

Thompson teaches **generating an identification information item that identifies the carrier** (Thompson: Para [0004]: the identification information can be stored on an authentication medium / carrier).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Thompson within the system of Affleck because (a) Affleck teaches allowing the system administrator to control / edit access rights of each of the technicians that may request to access the system based upon the input of authentication information (Affleck: Para [0066]), and (b) Thompson teaches the authentication information and collected work log data can be effectively presented from an authentication medium / carrier on an access administration system operatively connected to the authentication device (Thompson: Para [0004] Line 3 – 6).

displaying the identification information item on the first data processing unit of the system administrator (Affleck: Para [0066] Line 2 – 4 / 10 – 13: (a) individual technicians / groups of technicians may be set or edited and logon attempts may be monitored by the system administrator and (b) since the administrator can restrict or delete the technician name / group and associated authentication information, as taught by Affleck, the technician name and associated authentication information must be displayed to the administrator beforehand), and

enabling access authorization to the system technician when the first authentication is authenticated at the first data processing unit and the second authentication is authenticated at the second data processing unit (see **Rosner** below)**and automatic triggering a function that generates and stores a log file that logs the activity of the system technician on the data processing system** (Thompson: Para [0004] Line 5 – 6, Para [0029] Line 4 – 5 and Para [0035] Line 1 – 3: automatic and manual triggering a work-

log analysis function by a system administrator) & (Affleck: Para [0066] and Para [0143] Line 8 – 10 / Line 34 – 37).

However, Affleck as modified does not disclose expressly enabling access authorization to the system technician when the first authentication is authenticated at the first data processing unit and the second authentication is authenticated at the second data processing unit.

Rosner teaches enabling access authorization to the system technician only when the first authentication is authenticated at the first data processing unit and the second authentication is authenticated at the second data processing unit (Rosner: Abstract: Line 1 – 5 and Line 11 – 13: data access can be granted only when two or more persons are present to be authenticated at the data processing unit(s) in order to authorize the access).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Rosner within the system of Affleck as modified because (a) Affleck teaches (i) allowing the system administrator to control / edit access rights of each of the technicians that may request to access the system based upon the input of authentication information and (ii) an authenticated computing device (i.e. the authenticated technician PC) connected directly to the remote lab enables the technician to be authenticated for access to the resource according to the assigned access right (Affleck: Para [0066] and Para [0143] Line 8 – 10 / Line 34 – 37), and (b) Rosner teaches providing an highly enhanced security mechanism where sensitive data access can be granted only when two or more persons are present to be authenticated in order to authorize the access (Rosner: Abstract: Line 1 – 5 and Line 11 – 13).

As per claim 9, the claim limitations are met as the same reasons as that set forth in the paragraph above regarding to claim 1 with the exception of the features (I) the enabling of an access authorization is done via the system administrator by manually triggering a function that is provided for this purpose in the authentication program, and can be accessed exclusively by the system administrator. However, Thompson further teaches manually triggering a function that is provided for this purpose in the authentication program, and can be accessed exclusively by the system administrator (Thompson: Para [0004] Line 5 – 6, Para [0029] Line 4 – 5 and Para [0035] Line 1 – 3: automatic and manual triggering a work-log analysis function by a system administrator in order to disable an individual access cards).

However, Affleck as modified does not disclose expressly (II) checking whether the first authentication and second authentication are authenticated at the same time; and enabling access authorization to the system technician when the first authentication and second authentication are authenticated at the same time.

Rosner teaches checking whether the first authentication and second authentication are authenticated at the same time; and enabling access authorization to the system technician when the first authentication and second authentication are authenticated at the same time (Rosner: Abstract: Line 1 – 5 and Line 11 – 13: data access can be granted only when two or more persons are present to be authenticated at the data processing unit(s) in order to authorize the access). See the same rationale of combination applied herein as above in rejecting the claim 1.

As per claim 2, Affleck as modified teaches the second authentication is compared in the authentication program to a file that contains the second authentication, and when there is correspondence with the second authentication, a corresponding information item is transferred

to the system administrator (Affleck: Para [0066] Line 1 – 5: edit a file that contains access rights of each of technicians).

As per claim 3, Affleck as modified teaches the second authentication contained in the file is assigned an identification information item that is specific thereto (Affleck: Para [0066] Line 1 – 5 & Line 10 – 13: a file that contains technician names / groups of technicians).

As per claim 4, Affleck as modified teaches the identification information item comprises the name of the system technician (Affleck: Para [0066] Line 1 – 5 & Line 10 – 13: a file that contains technician names / groups of technicians).

As per claim 6 and 7, Affleck as modified teaches the authentication code is stored in a mobile memory unit that can be connected to the data processing system to transmit data (Thompson: Para [0004] and [0021] Line 8 – 11: authentication card – an authentication device obtaining authentication information from an authentication medium (i.e. authentication card / carrier that stores authentication code), an access administration system operatively connected to the authentication device for verifying the authentication information and an access control system operatively connected to the access administration system granting access resources when the authentication information is verified).

As per claim 8, Affleck as modified teaches the authentication card has a memory that stores the log file, an information item, or the combination thereof that permits access to the log file (Thompson: Para [0021] Line 8 – 11 and Para [0004] Line 4 – 6: see above @ claim 6 and

authentication medium / card to collect the work log data).

As per claim 10, Affleck as modified teaches the data processing system processes data that can be accessed by an individual with authorization, or by individuals with a simple authorization according to the two man principle when the particular authorization is not present (Affleck: [0066] and Para [0143] Line 8 – 10 / Line 34 – 37) & (Rosner: Abstract: Line 1 – 5 and Line 11 – 13).

As per claim 11 and 16, Affleck as modified teaches proof of the particular authorization is given by transferring a third authentication to the data processing system (Affleck: Para [0066] Line 15 – 19: the authentication of other technicians is qualified as a third authentication) & (Rosner: Abstract: Line 1 – 5 and Line 11 – 13).

As per claim 12, Affleck as modified teaches the data is personal data that requires protection (Affleck: Para [0066]).

As per claim 13, Affleck as modified teaches the connection between the first data processing unit and the second data processing unit is established via the Internet or via an intranet (Affleck: Figure 2) & (Rosner: Abstract: Line 1 – 5 and Line 11 – 13).

As per claim 14, Affleck as modified teaches the identification information item comprises the membership of the system technician of a specific organization n (Affleck: Para [0066] Line 1 – 5 & Line 10 – 13: a file that contains technician names / groups of technicians).

As per claim 15, Affleck as modified teaches the authentication code is transferred to the authentication program by a keypad that is provided on a data processing unit (Affleck: Para [0066] Line 5 – 7 and Para [0010]: entering the authentication data via an user interface including a keyboard).

As per claim 17, Affleck as modified teaches the personal data is patient data (Affleck: Para [0006]: samples of patients) & (Rosner: Abstract: Line 1 – 5 and Line 11 – 13).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONGBIT CHAI whose telephone number is (571)272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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02/10/2009